

Suits – LA – KCCMP, Kurnool District - O.P.No. 1117/98 pertaining to Kothakota(V), C. Belgal(M) - Sanction of decretal charges of Rs.5,39,800/- – Orders – Issued.

IRRIGATION&amp;CAD(PW.LA.II)DEPARTMENT

Dated: 22/08/2009.

Read :-

From the Chief Commissioner of Land Administration, Hyderabad, Lr.No. SRP4/1231/2008. dt. 1/7/09.

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ORDER :

The brief facts of the case is that the then Spl. Dy. Collector, LA & Reh., SSP, Kurnool had acquired the dry lands in Sy.No. 64/Aetc., for an extent of Ac. 11.56 of Kothakota(V) by fixing the Market value @ Rs. 85,000/- per acre through Award No. 5/98 dt. 30/3/98 for Thungabhadra Barrage. Aggrieved with the said compensation, the Awardees have filed applications U/s 18(1) of L.A. Act with a request to refer the matter to the Civil Court. The Principal Senior Civil Judge, Kurnool had delivered Judgments enhancing the market value from Rs. 85,000/- to Rs. 1,32,500/- per acre in OP No. 1117/98. In this regard, Appeal was filed in the Hon'ble High Court of Andhra Pradesh, Hyderabad by the Special Deputy Collector (LA) for the OP No. 1117/98 against the orders of Lower Court. He has further submitted that the High court of A.P., has granted interm stay orders on condition to pay 50% of the Decretal amount. Accordingly an amount of Rs. 1,74,883/- towards 50% of the decretal amount on 27/7/06 and the same has been deposited in the Senior Civil Judge Court, Kurnool on 15/2/04. Meanwhile the Hon'ble High Court has dismissed the appeal filed by the LAO in AS No. 643/03, dt. 17/2/08 by enhancing the market value from Rs. 1,32,500/- to Rs. 2,00,000/- per acre. The Government Pleader for Appeals, High Court of Andhra Pradesh, Hyderabad in his lr. Dt. 19/4/08 has opined that there are no merits to prefer SLP before the Hon'ble Supreme Court of India, New Delhi. The Commissioner (Legal Affairs) has opined that "The appeal before High Court was disposed off along with the cross objections on 7/2/2008. Said judgment was delivered by following earlier judgement of the High Court in AS No. 73/2003, dt. 20/4/2006 and also the judgment in AS 644/2002 and batch dt. 28/12/2006. Thus his view neither there is time nor merits for further appeal". The CCLA, Hyderabad has submitted the final decretal proposals for an amount of Rs. 5,39,800/- (Rupees Five lakhs, thirty nine thousand eight hundred only in respect of OP No. 1117/98 pertaining to Kothakota(V) of C.Belgal (M), Kurnool Dist.

After careful examination of the matter, Government hereby accord sanction for an amount of Rs.5,39,800/- (Five lakhs thirty nine thousand eight hundred only) in respect of OP No. 1117/98 pertaining to Kothakota(V) of C. Belga(M), Kurnool District, subject to verification whether the reference under Section 18(1) of the L.A. Act is made to the lower Court after following all the guidelines / directions on the subject and in case it is detected that Sec. 18 reference was made contrary to the rules / guidelines issued by the Government / Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to

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confirmation of the Chief Engineer as to the extent of land acquired. Further the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government / Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower Court.

The Special Collector (LA), Srisailem Project, Kurnool is directed to follow the directions issued by the Hon'ble High Court on 30/04/2007 in W.P. No. 2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of OP No. 1117/98 under Srisailem Project for avoiding intervention of the middlemen.

The expenditure sanctioned in para above may be debitable to Head of Account under "4701 – Major and Medium Irrigation; 01 – Major Irrigation (Commercial); MH 123 – TGP, GH (11) Normal State Plan. SH( 27) C&D, 530 Major Works. 532 – Land (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

This orders issues with the concurrence of Finance (Works & Projects) Department vide their U.O.No.2985/F5/A1/09, dt. 4/8/09.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA  
SECRETARY TO GOVERNMENT.

To  
The Chief Commissioner of Land Administration,  
Andhra Pradesh, Hyderabad.

The Spl.Collector, Srisailem Project, Kurnool  
The ENC, I&CAD, Hyderabad.  
The SDC, LA&Reh., Srisailem Project, Nandyal  
The Director of Works Accounts, Hyderabad.  
Copy to :  
P.S. to Minister (M&MI).  
Finance (W&P) Dept./ C.No. 16913/LA.II(1)2009.  
SF/Scs.

// FORWARDED BY ORDER //

SECTION OFFICER